IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21806 of 2005

Between:

T.C.S. Toopran Village And Mandal, Medak District,

Represented by its President , C.R.Rama Swamy,
R/o Toopran Village, and Mandal, Medak District.

..... PETITIONER

AND

Prohibition and Exicse Superintendent,

Medak District at Sanga Reddy,

.....RESPONDENT

The Court made the following:

ORDER:

Questioning the action of the respondent in not revoking the suspension order dated 20.07.2005 in Cr.No.A2/1080/2005 pursuant to the report dated 20.09.2005 of the State Food Laboratory, Nacharam, Hyderabad, the present writ petition has been filed.

The case of the petitioner is that the petitioner society has been granted 4 licences for running 4 counters in Toopran village viz., 109, 7, 8 and 9 by the respondent and the members of the petitioner society have been running the

said business in the premises. The grievance of the petitioner is that on 6.7.2005, the State Task Force inspected the premises of 109 and 7 and collected samples from the said two licensed premises and when the samples were tested with prescribed chemicals, it was revealed that the toddy was adulterated with Chloral Hydrate and basing on the panchanama, cases have been registered against the petitioner, and on that ground, the respondent passed the impugned order dated 20.07.2005 canceling the license of the petitioner. Even though the analysis report states that the samples is not adulterated with Chloral Hydrate, so far the respondent have not taken any steps to revoke the suspension order dated 20.07.2005.

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition & Excise.

The learned counsel for the petitioner contended that the Public Analyst, State Food Laboratory issued analysis report, wherein it is stated that the sample does not conform to the standards of Alcohol content or any other Narcotic Drugs, which causes endanger to the human life, and therefore, he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Prohibition & Excise contended that basing on the report of Chemical Examiner, Regional Excise Laboratory, it is for the respondent to take appropriate decision for revoking the suspension of the license of the petitioner.

Having perused the entire material available on record and having heard both sides, it appears that it is for the respondent to take appropriate decision basing on the report of Chemical Examiner, Regional Excise Authority as well as the report given by the Public Analyst, State Food Laboratory. More so, the copy of the report of Chemical Examiner, Regional Excise Laboratory has not been furnished to this Court.

Therefore, without going into the merits of the case, I deem it appropriate to direct the respondent to take appropriate decision within a period of two (2) weeks from the date of receipt of a copy from the Regional Excise Laboratory as well as from the State Food Laboratory, if any.

With the above observation, the writ petition is disposed of. No costs.

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(K.C. BHANU, J)

Date: 06.10.2005

Ksn